



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/644,150	08/20/2003	Jean-Marie Stutzmann	USST98048USDIV	6499

5487 7590 05/05/2005

ROSS J. OEHLER
AVENTIS PHARMACEUTICALS INC.
ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER, NJ 08807

EXAMINER

WHITE, EVERETT NMN

ART UNIT	PAPER NUMBER
----------	--------------

1623

DATE MAILED: 05/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

115

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

04272005

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The reply filed on February 11, 2005 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s):

Election By Original Presentation

Newly submitted claims 2-19 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The original claimed invention and the newly submitted invention are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation and different effects. The originally claimed invention was directed to a method for increasing the survival or growth of motoneurons and a method for treating a motoneuron disease in a patient, which involves administering a low molecular weight heparin to a patient already effected with a motoneuron disease. The newly claimed invention is drawn to a method of preventing a motoneuron disease in a person, which involves administering a low molecular weight heparin to a healthy person to avoid the development of motoneuron disease symptoms in the person, which is clearly different from treating a person already afflicted with a motoneuron disease. Also, the passage "increasing the survival and/or growth of motoneurons" does not equal or is not identical to the phrase "preventing motoneuron disease".

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 2-19 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

E. White

James O. Wilson
Supervisory Primary Examiner
Technology Center 1600

10